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ABSTRACT

This document notes that many states have passed, or are considering, laws that would mandate parental consent for, or notification of, a young woman's decision to obtain an abortion. Constructed in a question-and-answer format, the document then examines a number of issues concerned with such mandated parental involvement. It examines who is affected by consent and notification laws; the difference between mandated parental consent and parental notification; relevant federal legislation; which states require parental consent or notification; and the laws concerning parental involvement in obtaining contraception or reproductive health care. It also considers whether adolescents are able to make reasoned decisions about abortion, whether young women tell their parents about crisis pregnancies and their desire to have an abortion, and whether more young women talk to their parents because of mandatory parental involvement laws. The next section of the document concerns judicial bypass, a procedure by which young women may obtain a waiver of the parental involvement requirement in a confidential and expeditious manner. Judicial bypass and alternatives to the judicial bypass procedure are explained. The final two sections of the document look at the impact of mandatory parental involvement laws and the Supreme Court and parental consent and notification. Sidebars contain sketches of pregnant adolescents and how they handled their pregnancies. A state-by-state chart provides parental consent and notification law information by state. (NB)

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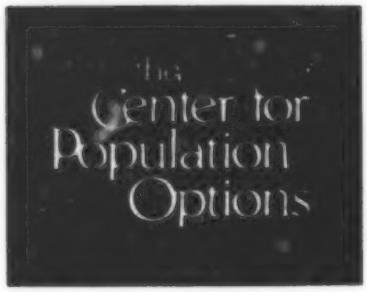

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Adolescent Abortion and Mandated Parental Involvement: The Impact of Back Alley Laws on Young Women

While a majority of Americans believes that abortion should be legal and available to teenagers, a strong majority also favors laws requiring parental consent for a minor's abortion.[1] Most teens, however, believe that while parent-child communication regarding sex is beneficial, communication about abortion should be voluntary rather than mandated through parental involvement laws.[2] Many states have passed, or are considering, laws that would *mandate* parental consent for, or notification of, a young woman's decision to obtain an abortion. The question is whether laws compelling parental involvement achieve the goal of improved family communication and decision-making by young women facing crisis pregnancies.

"Erika," a 15-year old honors student at a Catholic high school was afraid to discuss her pregnancy with her mother. Seven years earlier the mother had had an abortion, and since then had stressed to her children that abortion was murder. Rather than tell her mother about her pregnancy, Erika tried to self-abort. Her mother found her dead on the bathroom floor. She had died from a pulmonary embolism caused by a wound inflicted during her attempt to end the pregnancy.#

15-year old "Cynthia" writes that Utah's parental notification law "causes a lot of problems with parents." Cynthia had tried to comply with state law, and told her parents she wanted an abortion. Her parents said that they "would not support her and ... would not sign consent" for an abortion. Cynthia mistakenly thought that she needed parental consent, rather than notification, and assumed their reaction meant she could not get an abortion in Utah. She drove eight hours to Colorado in order to obtain an abortion which caused "extreme dissension" in her family. *

ABOUT MANDATORY PARENTAL INVOLVEMENT

Who is affected by consent and notification laws?

- Most mandatory parental consent and notification laws affect women 17 years old and younger. Eighteen-and 19-year olds are not subject to mandatory parental involvement. Specifically, these laws affect only those young women who, for some reason, feel they cannot tell their parents about a pregnancy.

What's the difference between mandated parental consent and parental notification?

- Parental consent laws require that an abortion provider obtain the consent of a young woman's parent before the abortion can be performed. Consent of either one or both parents may be mandated.

- Parental notification laws require that an abortion provider inform a minor's parent (or parents) that she plans to have an abortion. Although the parents cannot technically veto this procedure, the abortion cannot occur without the parent's knowledge. To enforce this requirement, some states insist upon a waiting period between notification of the parent and performance of the abortion.

- In practice, therefore, consent and notification laws have a similar impact, giving parents authority over the abortion decision. In the minds of most teenagers, parental consent and notification laws are identical.

Is there a federal law mandating parental involvement?

- There is currently no federal requirement for parental involvement in abortion decisions. The "Bliley Amendment" was introduced in the 103rd Congress to require programs that receive federal Health and Human Services funds and which also perform (privately-funded) abortions to notify one parent before a minor can obtain an abortion. This Amendment was stricter than any enforced state law in the nation and would have affected virtually all health care facilities nationwide. The 103rd Congress considered this and other legislation mandating parental involvement.

- The Freedom of Choice Act (FOCA) would codify into law the principles established in *Roe v. Wade* (410 U.S. 113). FOCA— as introduced — allows states to mandate parental involvement for minors' abortions. Thus the current version of FOCA would not guarantee access to abortion as a fundamental right for young women.

Which states require parental consent or notification for abortion?

- Parental involvement laws are currently on the books in a total of 36 states, and enforced in 22 states.[3]

- *Parental consent* laws are currently *enforced* in 12 states: Alabama, Indiana, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, North Dakota, Rhode Island, South Carolina, Wisconsin and Wyoming.

- Enforcement of parental consent laws is blocked by a court (*enjoined*) pending the outcome of constitutional challenges in four states: Colorado, Illinois, Kentucky and Pennsylvania. Consent laws in Arizona, California and Florida have been declared unconstitutional under state constitutions, and therefore cannot be enforced. Alaska, Delaware and New Mexico have parental consent requirements which are neither enjoined nor enforced. Tennessee's parental consent law has been "impliedly repealed" by a new interpretation of the state's parental notice law.

- *Parental notification* laws are currently *enforced* in 10 states: Arkansas, Georgia, Kansas, Maryland, Minnesota, Nebraska, Ohio, Tennessee, Utah and West Virginia.

- Parental notification laws are *enjoined* in three states: Illinois, Nevada and South Dakota. Notification laws in Idaho and Montana exist, but are generally not enforced. An unconstitutional 1979 Maine notification law was repealed when the state codified *Roe* in 1992. Tennessee's notification law prohibits minors from obtaining an abortion until 48 hours after both parents have received notice; no judicial bypass provision exists in the law. A state court recently interpreted this law as requiring only one parent's notification and allowing a physician to waive involvement if the minor's physical, psychological or emotional health is in jeopardy. This new interpretation is being enforced while under appeal.

Does a young woman usually need to involve her parents in order to get contraception, reproductive health care or other sensitive services?

- No. Because people are reluctant to seek treatment for problems related to sex or sexuality, confidentiality is a vital component in encouraging prompt medical care. This is especially true for adolescents. Federal regulations do not require parental involvement for contraceptive services provided by federal programs.[4]

- Some parents feel that, since their consent is required for activities such as ear piercing and school trips, consent should be required for abortion. While schools and other organizations often require parental permission, they do so to protect themselves from potential liability rather than to comply with specific state statutes. No state law *requires* consent for participation in these activities. Most importantly, there is no constitutionally-protected right involved in these examples, nor are there lasting or irreversible consequences for the minor if consent is withheld.

- In 1965, the Supreme Court determined in *Griswold v. Connecticut* (381 US 479) that the right to prevent pregnancy through the use of contraceptives is protected by the right to privacy. This right was recognized for unmarried individuals in 1972 by the ruling in *Eisenstad v. Baird* (405 US 438), and explicitly applied to minors in 1977 by *Carey v. Population Services International* (431 US 678). Therefore, states cannot forbid minors' access to contraception.

- States generally treat services relating to sexual or reproductive health as private and confidential for adults and minors. Parental involvement as a requirement for such treatment is either forbidden or not required in a majority of states. In addition, many states allow minors to consent for pregnancy-related care, medical care of their own children and treatment

"Gina," a 15-year old resident of Minnesota, talked with her mother about her pregnancy solely because of the state's parental involvement law. The results were "disastrous." Initially, Gina's mother was shocked but supportive. After discussing the situation with Gina's stepfather, however, the mother changed her mind and forbade the abortion. Her mother said: "This is a lesson you have to learn." The stepfather had forced Gina's older sister out of the house at 16; Gina was afraid this would happen to her as well if her stepfather discovered her intention to seek an abortion against his wishes. Gina turned to her boyfriend, his parents, her doctor and her high school guidance counselor for the support she couldn't get from her parents. She stated that she couldn't raise a child because, as a child herself, she would not be a good mother. Gina sought and obtained a judicial bypass, and her boyfriend's parents paid for the procedure.

"Laura," a college-bound 17-year old, recently had her second abortion. Her first pregnancy occurred before Minnesota's parental notification law was passed, and Laura had voluntarily discussed the situation with her parents. Laura's mother became "hysterical," her father joked about her pregnancy; neither offered Laura the support or guidance she sought. Pregnant a second time (despite regular condom use by her boyfriend), Laura sought a judicial bypass rather than involve her parents in her decision again. She stated: "I talked to them last time and it's made me turn away from them more." Her request for bypass was granted.

for drug or alcohol abuse. Furthermore, no state has a law requiring a young women who decides to bear a child to inform her parents, nor to receive their consent to continue a pregnancy.

Are adolescents able to make reasoned decisions about abortion?

- Yes. Young women are capable of consenting to their own reproductive health care. A 1992 study of women seeking pregnancy tests found those aged 14-17 to be as competent as adult women to make an informed, voluntary and independent decision about abortion and to understand the risks and benefits of the procedure.[5]

- Many organizations recognize this fact, and explicitly support adolescents' right to confidential access for sensitive services, including abortion. Such groups include the American Medical Association, the American Public Health Association and the Society for Adolescent Medicine.

Do young women usually tell their parents about a crisis pregnancy and their desire for abortion?

- Regardless of whether or not state law forces them to do so, over 60 percent of all pregnant teens who choose to terminate their pregnancy *do* inform at least one parent.[6] The younger the teen, the more likely she is to involve either a parent or another trusted adult in her decision. In a recent study conducted in states without mandated parental involvement, 74 percent of the teens under 15 had voluntarily told a parent and 80 percent of those under 16 were accompanied to the clinic by their mother.[7]

- In the above study, 81 percent of the teens under 18 reported at least one adult was involved in their abortion decision.[8] Of those under 16, 90 percent involved a parent or another adult in their decision. Over half the minors whose parents did not know of the decision reported that they had discussed the situation with another adult such as a health professional, guidance counselor or teacher.[9] Another study found fewer than 5 percent of young pregnant women failed to involve an adult in their decision.[10]

- Young women choose not to involve their parents for numerous reasons, including fear of being rejected, abused or of disappointing the parent.[11] Young women are more likely to inform a parent of their abortion decision if they are younger, live a greater distance from the abortion provider, have established good communication with their mother and anticipate a supportive reaction.[12]

Do more young women talk to their parents because of these laws?

- No. A comparison of a state with parental involvement laws (Minnesota) and one without (Wisconsin) revealed no significant difference in the proportion of young women who involved their parents in the abortion decision.[13]

- Factors other than parental involvement laws were deemed to be more important in a young woman's decision to discuss her situation with a parent. The researchers concluded that mandated involvement does not, in fact, increase family communication.

- There will always be instances in which a law convinces a young woman to inform her parents of a crisis pregnancy. Many young women who are reluctant to involve their parents voluntarily in an abortion decision are, however, equally reluctant when required to do so by law. These young women will go to great lengths to retain privacy and autonomy in their decision making.

"Carmen," a 16-year-old Utah woman explains that, under different circumstances, she would carry her pregnancy to term — she had been anti-choice until her unexpected pregnancy. Carmen made her abortion decision after talking with her boyfriend, her sister and a woman who had had an abortion. Carmen's older sister had been disowned after her parents found out she had had an abortion. The sister was currently living with an abusive individual, which the parents considered just punishment for her action. In seeking a judicial bypass, Carmen noted that her parents checked her garbage for signs of menstruation, and searched her room for birth control; she feared their reaction if they learned she was sexually active.*

"Pam" is a 17-year old honor student from Minnesota, whose greatest dream is to attend college. Her father had specifically told Pam that, if she became pregnant, she would receive no money for college. Pam's mother, a successful professional, is very strict with Pam, and upholds exacting standards for her to meet. She feared that her mother would feel that Pam had "betrayed her trust" by becoming pregnant. Pam dreaded her mother's disapproval, wrath and disappointment. She therefore sought, and obtained, a judicial bypass of the state's parental notification requirement. Afterwards, Pam stated that waiting for the judge's decision was "very traumatic," and that the bypass procedure was harder to get through than the actual abortion.

- A nationwide survey by the Alan Guttmacher Institute indicated that 23 percent of abortion patients under 18 would be reluctant to seek parental involvement in their decision. If parental involvement were required, 39 percents of this group reported that they would self-abort, 86 percent said they would leave home and 13 percent were unsure about their course of action.[14]

- In one study, young women who chose not to inform their mother of their abortion decision stated that they feared her disappointment (74 percent), anger (55 percent) or adding to her stress (25 percent).[15]

- Many judges, health care providers and counselors who work with young women seeking abortions agree that when a teen believes she cannot involve her parents in her decision, she is usually right.[16] Long-term studies of abusive families indicate an increase in the incidence of violence during adolescence and/or when a family member is pregnant.[17] In a recent study, 4 percent of teens under 18 who voluntarily informed a parent about their pregnancy reported physical violence in response.[18] The same study found that 13 percent of women under 18 whose parents had discovered her pregnancy some other way reported violence.[19]

- Research indicates that young women are significantly more satisfied with the pregnancy outcome when they make the decision themselves, rather than having it made for them.[20] One study assessed whether the satisfaction of minors who experienced either abortion or childbirth was affected by whether or not she had talked with her mother before making the decision. The researchers concluded that the young woman's satisfaction was not related to whether the minor had consulted her mother. Satisfaction was highly related, however, to the support the minor received from her mother.[21]

"Angie," 17, had been an incest survivor for ten years when she became pregnant. Despite the fact that she was terrified of her father, she believed that the Minnesota parental notification law left her no alternative but to inform him of her abortion decision. Angie's father claimed that she was a "bad influence" upon her three younger sisters because of her pregnancy and abortion so he sent the sisters away from the home. As punishment for informing her father of her abortion, Angie was separated from the sisters that she loved, and isolated in a house with her abuser. !!

"Rosa," a 17-year old West Virginia woman seeking an abortion, was told she needed to either notify one parent or obtain a waiver of this requirement from a doctor. Rosa and her two-year old lived with her parents. Her parents made Rosa support the child with earnings from a fast-food job, and had threatened to kick her out if she got pregnant again. Rosa could not handle, either emotionally or financially, raising two small children. She was denied a notification waiver at the first clinic she visited. A second appointment to apply for a waiver cost $65 at another clinic, but Rosa had no way to raise these funds. At this point, the clinic director's assessment was that Rosa was considering self-abortion or suicide. A social worker obtained a donation from a minister for the appointment, where a waiver was granted. Medicaid paid for the abortion. Without these resources, the clinic director is sure something "tragic" would have occurred.*

ABOUT JUDICIAL BYPASS

What is a judicial bypass procedure?

- In 1979 the Supreme Court ruled in *Bellotti v. Baird* (443 US 633) that any mandatory parental consent law must include a procedure by which young women may obtain a waiver of the requirement in a confidential and expeditious manner. At a minimum, the law must allow teens to go to court and ask a judge's permission to obtain the abortion without parental involvement.

- In theory, the judge is required to grant a waiver if (1) the young woman is "mature" enough to make her own decision, or (2) if the abortion is deemed to be in her "best interest." In practice, however, comments from judges charged with making these determinations suggest that, in many cases, the judges' personal moral beliefs about abortion are as much a factor in the bypass decision as are the young woman's maturity or her best interest.[22]

- In effect, judicial bypass provisions merely substitute consent or notification of a judge for that of a parent. A few states (Maryland, Maine, Connecticut) have expanded the bypass procedure so that adults other than judges may serve as parental substitutes for the purposes of approving the young woman's decision. The majority of states with parental involvement laws, however, require a young woman to involve either a parent or a judge in her decision.

Is a judicial bypass a reasonable alternative for most young women?

- The judicial bypass procedure is required to be speedy and to protect the young woman's privacy, but rarely achieves these goals in practice. In Ohio, the judicial bypass procedure can take up to 22 days, pushing many young women into riskier, more expensive, second trimester abortions.[23]

- In seeking judicial bypass, young women may also have to sacrifice their anonymity. In Minnesota, it is not unusual for as many as 23 people to learn about the young women's pregnancy (and desire for an abortion) as she winds her way through the court system.[24] In isolated and smaller communities, young women frequently encounter acquaintances and relatives while seeking judicial bypass.

- Of 477 minors who sought judicial bypass of Massachusetts' two-parent consent requirement during a four-year period, all but nine were determined mature enough to make their own decision. Eight of these nine were granted the abortion as being in their best interest.[25] Similarly, in a five-year period, Minnesota courts heard over 3,500 judicial bypass requests; six were withdrawn and nine denied.[26]

- In some states, judicial bypass is a time-consuming, costly and humiliating experience with little or no benefit to the teen. Young women who have used the judicial bypass procedure report that it was more traumatic than the actual abortion procedure. The typical teen reports that she was embarrassed and humiliated to have to explain her sexual life to an unfamiliar authority figure.[27]

Is judicial bypass an option for all young women?

- Significant numbers of young women do seek judicial bypass. Most of these teens, however, are from middle and upper class families. Minors who are poor, less educated, more wary of the court system or who live in rural areas are far less able or likely to seek a bypass.[28] For those who do not live in counties where court hearings are held or who must consider absence from school or work, transportation and other expenses, judicial bypass may not be an option. In some counties, judges routinely deny all bypass applications, effectively eliminating this alternative.[29]

- In 1981, in Massachusetts, which requires consent of two parents, 25 percent of abortion patients under 18 used the bypass system.[30] In Minnesota, where the law mandates that young women notify both parents, more than one-third of all teenagers seeking abortion in 1984 used the bypass system.

- In states that mandate the involvement of both parents, judicial bypass is frequently sought by the teen and one parent to avoid involving the other parent. In these cases, the second parent is typically absent, estranged or abusive. Approximately 25 percent of teens seeking bypass in Minnesota were accompanied by a parent.[31]

Are there alternatives to the judicial bypass procedure?

- Connecticut, Maine and Maryland have passed laws which attempt to diminish the negative aspects of these statutes by expanding the range of adults to whom a young woman may turn. The purpose of these laws is to ensure that the young woman gets support and information; the involvement of an adult is assured without limiting options to a parent or a judge.

- In Maine, a 1989 consent law requires that a minor seeking an abortion must receive information and counseling from a health professional and must sign an informed consent form after this discussion. Alternatively, she may obtain consent for the abortion from an adult family member other than a parent or have the counseling requirement waived under certain conditions by a physician, professional counselor or judge.

"Anna," a 16-year old Utah resident, had a 6-month old baby and massive medical bills resulting from problems with this birth. Her doctor had recommended no further pregnancies for several years because of her birth-related problems, but Anna's birth control had failed. She lived with her anti-choice parents, who refused to let her work or attend school while she was a single parent. Anna drove 300 miles to Colorado, to obtain an abortion without involving her parents.

Citations For Stories

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- The 1990 Connecticut law requires a physician or counselor to provide pregnancy information and counseling to young women under 18 before an abortion is performed. Maryland's 1991 law requires parental notification for those under 18, but allows a doctor to waive this requirement if it is not in the young woman's best interest.

THE IMPACT OF MANDATORY PARENTAL INVOLVEMENT LAWS

What effect have parental involvement laws had?

- Mandated parental involvement laws generally cause young women to delay abortion either by creating a longer decision-making process, involving teens in conflict with parents, forcing teens to participate in lengthy court process or causing them to travel to a state without mandated parental involvement.[32]

- Teenagers, more than any other age group, tend to deny pregnancy and to delay abortion regardless of whether parental involvement is required. These laws increase the anxiety of pregnancy and lengthen delays. Later abortions are undesirable because they involve greater health risks than do earlier procedures and because they are more expensive.

- Data from Massachusetts and Minnesota show that the ratio of late to early abortions increased by about 25 percent after implementation of parental consent and notification laws. In contrast, this ratio has declined nation-wide for women not subject to parental involvement laws.[33]

- In a survey of Minnesota clinic patients, researchers found that women under 18 were 39 percent more likely than older women to delay abortion because they feared telling their parents or partner. In fact, 63 percent of minors having late abortions stated that they had delayed for this reason.[34]

- An unforeseen effect of the debate over mandated parental involvement, and restrictions on reproductive choice in general, is confusion about the basic nature of the procedure. A recent study of adolescent knowledge and attitudes about abortion found that many teens mistakenly believed abortion to be medically dangerous, widely illegal, emotionally traumatic and a cause of sterility. Most of these teens, however, also supported legal abortion as a woman's right.[35]

Do parental consent laws reduce the number of pregnancies or abortions for teens?

- Evidence suggests that they do not. Between 1980 and 1983, the Massachusetts law caused a third of young women seeking abortions to travel to nearby states where parental involvement was not required. Combining in-state and out-of-state abortions for teens reveals that the number of abortions for this group has not been significantly reduced since implementation of the law.[36]

- In Minneapolis, birthrates for 15-17 year olds increased 38 percent in the four years after implementation of the notification law. Prior to implementation, the birthrate for this age group had risen only 2 percent over nine years. The parental notification requirement did not result in fewer pregnancies among teens.[37]

- The authors of a recent study claim that Minnesota's statewide decline in teen abortion rates were due to the parental notification law.[38] They do not explain, however, why abortion rates fell more for the population of teens (18 and 19 year olds) unaffected by the law than for younger teens. During the same period, states without parental involvement laws also experienced declines in teen abortion rates which were as sharp as Minnesota's, indicating that other factors were involved in the abortion rate decline.[39]

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THE SUPREME COURT AND PARENTAL CONSENT AND NOTIFICATION

- In *Planned Parenthood of Central Missouri v. Danforth* (428 US 562, 1976), the Supreme Court ruled that parental consent for abortion interferes with the right of pregnant teenagers to make private choices about childbearing. Three years later, in *Belloti v. Baird* (443 US 633, 1979), the Court ruled that any parental consent law must allow teens a confidential, expedient alternative and set judicial bypass as the minimum standard.

- In 1990, the Supreme Court ruled on two cases, making it easier for states to pass restrictive legislation in the future. In *Hodgson v. Minnesota* (110 S.Ct. 2926), the Court ruled that the state's two-parent notification requirement was constitutional so long as judicial bypass was offered as an alternative. The Court also accepted as constitutional a 48-hour waiting period between notification and performance of the abortion.

- In *Akron v. Reproductive Health Services* (110 S.Ct. 2972), the Court upheld Ohio's judicial bypass alternative to the state's one-parent notification requirement, overturning a lower court ruling that the bypass procedure was unconstitutionally burdensome, as it could take up to three weeks to complete. The lower court had also ruled unconstitutional the requirement that a bypass could only be granted upon "clear and convincing evidence" — an extremely high burden of proof — that the minor was mature or that notification was not in her best interests.

- The Court's 1992 ruling in *Planned Parenthood of South Eastern Pennsylvania v. Casey* (505 U.S. —, 112S.Ct.2791(1992)) upheld, among other provisions, *informed parental consent* for young women's abortions, in which one parent must go to the clinic where the abortion is to be performed, receive state-written information biased against abortion and sign a consent form allowing the abortion to be performed. This is more complicated and time-consuming than previously mandated parental involvement, with no added benefits.

- The decisions in these cases do not, however, present definite limits for states seeking to restrict young women's access to legal abortion. Writing for the majority in *Akron*, Justice Kennedy noted that the Court has never specifically decided if one-parent notification statutes (as opposed to consent statutes) require a bypass alternative. Also untested is whether mandatory two-parent consent requirements are constitutional.

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PARENTAL CONSENT AND NOTIFICATION LAWS BY STATE

STATE	PARENTAL NOTICE			PARENTAL CONSENT			DETAIL
	ENFORCED	ENJOINED	NOT ENFORCED [1]	ENFORCED	ENJOINED	NOT ENFORCED [1]	
AL				X			1 parent; judicial bypass
AK						X	1 parent; no judicial bypass
AR	X						2 parent; 48-hour delay; judicial bypass
AZ [3]					X		struck as unconstitutionally vague (1992)
CA [3]					X		1 parent; judicial bypass
CO					X		1 parent; no judicial bypass
CT [4]							mandatory counseling
DE						X	1 or 2 parent; no judicial bypass
DC							
FL [3]					X		1 parent; judicial bypass
GA	X						1 parent; 24 hour delay
HI							
ID [6]			X				2 parent; 24 hour delay; no judicial bypass
IL [5]		X			X		notification: 2 parent; 24 hour delay; judicial bypass; consent: 2 parent; 48 hour delay; judicial bypass
IN				X			1 parent; judicial bypass
IA							
KS	X						1 parent; judicial bypass; mandatory counseling
KY					X		2 parent; judicial bypass
LA [5]				X			1 parent; judicial bypass
ME [4]							mandatory counseling or consent of 1 parent/guardian/adult family member/counselor; judicial bypass
MD	X						1 parent; doctor bypass
MA				X			2 parent; judicial bypass
MI				X			1 parent; judicial bypass
MN [2]	X						2 parent; 48 hour delay; judicial bypass
MS				X			2 parent; judicial bypass
MO				X			1 parent; judicial bypass

The laws listed apply to teens under 18 unless otherwise indicated. Most parental involvement laws waived emancipated minors: a teen under 18 who is married, has previously had a child or can prove that she has lived without parental support for a specific period of time.

1. Statutes may remain on the books but be unenforced either on the basis of a specific opinion by the Attorney General or a general understanding that the law is unconstitutional. These opinions may or may not be subject to reversal without further legislative or court action.
2. On June 25, 1990, the Supreme Court in *Hodgson v. State of Minnesota* and *Ohio v. Akron Center for Reproductive Health Care* declared constitutional laws mandating parental notification of one or two parents with judicial bypass. Some parental notification laws previously enjoined in other states may be reconsidered in light of these rulings.
3. Parental consent laws in AZ, CA, FL, WA have been declared unconstitutional under provisions of the state constitution.
4. CT and ME have passed laws mandating counseling for young women seeking abortion that include encouraging discussion with parents.

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	ENFORCED	ENJOINED	NOT ENFORCED [1]	ENFORCED	ENJOINED	NOT ENFORCED [1]	
MT			X				1 parent; no judicial bypass
NE	X						1 parent; 48-hour delay; judicial bypass
NV		X					1 parent; judicial bypass
NH							
NJ							
NM						X	1 parent; no judicial bypass
NY							
NC							1967 consent law was repealed in 1971
ND [5]				X			2 parent; judicial bypass
OH [2]	X						1 parent (exceptions); 24-hour delay; judicial bypass
OK							
OR [7]							1969 consent law was repealed in 1983
PA [8]					X		1 parent; judicial bypass; "informed consent"
RI				X			1 parent; judicial bypass
SC [9]				X			1 parent or grandparent for minors under 17; judicial bypass
SD		X					48-hour delay; no judicial bypass
TN [5]	X						48-hour delay; 2 parent (applied as 1 parent); doctor bypass
TX							
UT	X						2 parent (applied as 1 parent); no judicial bypass
VT							
VA							1970 consent law was repealed in 1975
WA [3]							1970 consent law was repealed by referendum (1991)
WV	X						1 parent (exceptions); 24-hour delay; judicial bypass
WI				X			1 parent/relative over 25(exceptions); judicial bypass
WY				X			1 parent; 48-hour delay
Total	10	3	2	12	7	3	

5. IL, LA, ND and TN each have two laws on the books. Both laws in IL are currently enjoined, listed on the chart and are reflected in the totals. LA and ND each enforce only one law, and only these are listed in the chart. TN's consent law will be "impliedly repealed" by the newly interpreted notice law if accepted by the courts, so only the latter is listed in the chart.

6. A recent state Attorney General's opinion may renew enforcement of this law.

7. In 1990, OR voters defeated a ballot initiative to require one parent notification with a 48-hour delay but without a judicial bypass.

8. Informed parental consent requires 1 parent to go to the clinic where the abortion will be performed, receive state-authored information biased against abortion, and sign a consent form permitting the procedure.

9. SC parents who withhold consent are required to share legal and financial responsibility for their daughter's child until their daughter turns 18.

Sources: American Association of University Women; The Alan Guttmacher Institute; National Abortion Rights Action League; The Abortion Report; The American Civil Liberties Union; The Center for Reproductive Law and Policy.

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Center for Population Options, 1993

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